

COASTAL CONSERVANCY

Staff Recommendation

October 5, 2006

TRINIDAD PIER RECONSTRUCTION: Engineering Design and Permitting

File No. 06-018

Project Manager: Su Corbaley

RECOMMENDED ACTION: Authorization to disburse up to \$375,000 to the Cher-Ae Heights Indian Community of the Trinidad Rancheria to develop engineering designs, complete environmental documentation, and secure permits for the reconstruction of the Trinidad Pier.

LOCATION: Trinidad Bay, City of Trinidad, Humboldt County (Exhibit 1)

PROGRAM CATEGORY: Urban Waterfronts

EXHIBITS

Exhibit 1: Project Location and Site Map

Exhibit 2: Photograph of Pier

Exhibit 3: Map of Kelp Bed Critical Coastal Area

Exhibit 4: Letters of Support

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following Resolution pursuant to Sections 31300-31315 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed three hundred seventy-five thousand dollars (\$375,000) to the Cher-Ae Heights Indian Community of the Trinidad Rancheria (“the Rancheria”) to undertake engineering designs, preparation of environmental documents and permit applications for the reconstruction of the public fishing pier in Trinidad. This authorization is subject to the condition that prior to the disbursement of funds, the Rancheria shall submit for the review and approval of the Executive Officer of the Conservancy a work program, schedule and budget, and the names of any contractors to be employed in preparation of the feasibility studies.

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

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1. The proposed project is consistent with the purposes and criteria in Chapter 7 of Division 21 of the Public Resources Code (Sections 31300-31315) regarding the restoration of urban waterfronts.
 2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 21, 2001.”
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PROJECT SUMMARY:

The proposed authorization would enable the Trinidad Rancheria to prepare detailed design and engineering documents, undertake environmental review, and prepare permit applications for the reconstruction of the pier located on Trinidad Harbor in Trinidad. The pier, built in 1947 to support commercial and recreational fishing, is constructed of Douglas fir pilings and decking (Exhibit 2). Over the last 60 years, the pier has deteriorated. It is now unable to support heavy use, and is unsafe. In 2004 the State Water Resources Control Board ordered a cessation of waste discharge from boat wash, facilities maintenance and fish cleaning operations in the bay. Pier operations have contributed contamination to Trinidad Bay from pier wash down and storm water runoff. The Trinidad Kelp Beds, designated by the California Coastal Commission as a Critical Coastal Area, and located adjacent to the pier, are directly impacted by pier activities. In order to resolve both the safety and pollution issues, the Rancheria proposes to completely reconstruct the pier.

Salmon fishing, crabbing, and ocean bottom fishing are major attractions in the Trinidad area. Along with the Eureka marina located approximately 25 miles to the south, the Trinidad pier provides one of two primary commercial and sport fishing launch facilities along the 170 miles between Shelter Cove in southern Humboldt County and Crescent City in Del Norte County (Exhibit 1). Without the ability to replace the structure with one that will provide safe use and clean non-contaminating facilities, the pier will likely go out of service. If this facility were to become unavailable it would have an important impact on the local tourist and fishing economy. It is anticipated that with the design and engineering completed pursuant to the proposed grant, the project would be able to compete for construction grants through the Department of Boating and Waterways, and other sources. Therefore, this proposed planning work is necessary in order to continue to provide access for fishing and boat launching and support activities for recreational and commercial fishing activities.

Trinidad Rancheria is a federally recognized tribe and as such is eligible to receive Conservancy funding for projects to restore urban waterfronts.

Site Description: Trinidad Pier is located on the Pacific Ocean in Trinidad Harbor, immediately south of Trinidad Head (Exhibit 1). The pier, and its surrounding infrastructure (parking lots, restaurant and gift shop), has been owned by the Rancheria since 2000 when it was purchased from the Pullman and Hallmark Trust. As a condition of that purchase, the Rancheria agreed to maintain the pier as a public facility throughout its ownership.

The ocean waters surrounding Trinidad Head and extending east and west along approximately two miles of coast, contain Trinidad Kelp Beds, an Area of Special Biological Significance designated by the Coastal Commission as a Critical Coastal Area. Critical Coastal Areas are afforded special protections from pollution and upland impacts. Pier operations include boat

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launching, fish cleaning, hoists, support vehicle transport, pier cast-fishing, and equipment maintenance. All of these activities would, if allowed to continue under the present infrastructure, have a negative impact on the sensitive harbor and bay habitat. Reconstruction of the pier with non-contaminating materials and with current plumbing and wash down systems will eliminate the continued threat to water quality and the ocean habitat.

Project History: In 2005, the Rancheria approached Conservancy staff to request a grant of funds to assist with the project to replace the pier. At that time, the Rancheria had applied to the Department of Housing and Urban Development (HUD) for a grant for design and permitting, and reconstruction. However, the Rancheria was not able to satisfy all of HUD's strict eligibility standards (see criteria 5 of the "Project Criteria" section of this recommendation) and its application was denied. The Rancheria then revised its request to the Conservancy to fund the design and permitting phase of the project to initiate the project and leverage grant funds for construction activities.

The Conservancy has been involved in the Trinidad area for years, including public access projects and through participation on the committee for the Critical Coastal Area pilot study to address watershed assessment activities to protect the harbor and bay waters.

PROJECT FINANCING:

Coastal Conservancy	\$375,000
Trinidad Rancheria	<u>75,000</u>
Total Project Cost	\$450,000

The Conservancy's contribution to this project is expected to come from the FY 2005/06 appropriation from the Safe Neighborhoods, Parks, Clean Water, Clean Air and Coastal Protection Bond Fund (Proposition 12) allocated for resource development projects north of the Gualala River. Funds may be used to develop public use facilities in coastal areas as designated by Public Resources Code § 5096.352(c)(2).

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

This project would be undertaken pursuant to Chapter 7 of the Conservancy's enabling legislation (California Public Resources Code Sections 31300-31315).

Section 31301 sets forth the legislative finding that California's urban waterfronts are in need of restoration in order to remain a vital economic and cultural component of the community and establishes the promotion of urban waterfronts as the purpose of Chapter 7.

Pursuant to §31303, the pier will be designed taking into account the sensitive environment of the Trinidad Head kelp beds, and is expected to incorporate materials and containment infrastructure to protect the kelp beds and surrounding water quality.

Under §31307, the Conservancy may award grants to public agencies for the restoration of urban coastal waterfront areas. This project would develop alternatives to maintain continued viability of the recreational and commercial fishing economy in Trinidad. Additionally, when the pier is replaced, safe public access for pier fishing and strolling will be returned.

Pursuant to §31308, the Conservancy may provide up to the total cost of any urban waterfront project. The Conservancy funding would provide 82 percent of the project cost; the County will contribute the remaining 18 percent. In addition to Conservancy funds, the Rancheria plans to request funds from the Department of Boating and Waterways and the Wildlife Conservation Board for pier reconstruction. Also consistent with this section, the level of Conservancy funding for this project has been determined through consideration of the total amount of funding available for urban waterfront projects, the financial resources of the grantee, and the relative urgency of the project.

**CONSISTENCY WITH CONSERVANCY'S
STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 3, Objective A**, the proposed project will restore a northern California urban waterfront resulting in increased visitation, tourism, and economic vitality by providing and maintaining public fishing and coastal access.

**CONSISTENCY WITH CONSERVANCY'S
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** The replacement of the Trinidad Pier has the support of the public and fishing community to expand the piers capacity and improve structural safety, and to protect the Trinidad Kelp Beds. The Conservancy has received letters of support the City of Trinidad City Council, State Assembly member Patty Berg, and Senator Wes Chesbro (Exhibit 4).
4. **Location:** The proposed project would be located within the coastal zone of Trinidad, Humboldt County.
5. **Need:** Trinidad Rancheria anticipated receiving grant funds from HUD for planning activities and initial implementation. However, HUD denied the Rancheria's request for funds due to changes in local demographics which disqualified the tribe for a HUD grant. Other agencies have been approached, such as the Wildlife Conservation Board and the Department of Boating and Waterways, but each has indicated a preference to give consideration to funding the implementation phase. Yet, without plans and environmental permitting underway or completed, implementation funding can not be secured. Therefore, Conservancy funds are needed to leverage funds from other sources to carry out implementation of the project. The Conservancy funding is the only source of funds available for this critical element.

6. **Greater-than-local interest:** Tourism and recreational fishing is an important element of California's coastal waterfront economy, and is a critical component of Trinidad's, and Humboldt County's, economy. Local and regional residents, as well as out of area tourists utilize the pier at Trinidad. Its location, between the Eureka Marina and Crescent City, make it critical to maintaining this industry along northern California's coast.

Additional Criteria

7. **Urgency:** Because of the order from the State Water Quality Control Board to cease discharging to the bay, the pier can not operate at its capacity, potentially impacting the local economy. Further, the pier is much deteriorated and may prove unsafe for its users. If the Rancheria can not replace the pier for safety and the elimination of source contamination, the pier is at risk of shutting down operations permanently.
8. **Resolution of more than one issue:** Planning will leverage implementation funds resulting in reconstruction of the pier. Replacing the Trinidad Pier would result in increased capacity at the pier and eliminate point source contamination to the Trinidad Kelp Beds Critical Coastal Area.
12. **Readiness:** In early 2006, the Rancheria issued a Request for Proposals for the planning phase and has identified a contractor to do the work. Therefore, work can commence as soon as funds are secured.

COMPLIANCE WITH CEQA:

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to 14 Cal. Code of Regulations Sections 15262 and 15306 in that it involves only feasibility or planning studies and it may include basic data collection and research (neither of which will impact any environmental resource(s)), undertaken as part of a study leading to an action which the Conservancy has not yet approved, adopted, or funded. Staff will file a "Notice of Exemption" upon approval of this project.